THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16902 of 2007

Dated: 13.08.2007

Between:

Vullengula Ekanandam.

..... PETITIONER

AND

The Tahsildar, Thimmapur, Karimnagar.

.....RESPONDENT

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16902 of 2007

ORDER:

Land admeasuring Acs.5.00 in survey No.629/3 situated at Nustualapur Revenue Village of Karimnagar District was assigned to an ex-serviceman, namely, V.Jehu Kumar. This happened in 1992. After obtaining necessary permission from the Revenue Divisional Officer (RDO), Karimnagar, vide proceedings No.L/6256/2003 dated 27.10.2005, said ex-serviceman assignee sold the land to Edla Narayana Reddy under a registered sale deed dated 15.12.2005, from whom the petitioner purchased the same under a registered sale deed dated 21.11.2006. The respondent now issued the impugned notice dated 30.05.2007 calling upon the assignee to show-cause as to why the land assigned to him (Jehukumar) should not be

resumed for public purpose. Aggrieved by said notice, the petitioner is before this Court seeking a writ of Mandamus for invalidation of said notice.

It is settled proposition that a writ petition would not lie against a show-cause notice. Apart from this the show-cause notice dated 30.05.2007 is given to Jehukumar, who, from the pleadings, appears to have no interest and who sold the land after obtaining necessary permission. As the petitioner is directly aggrieved and if any order that might be passed by the respondent for resumption would result in serious consequences to the petitioner, the petitioner should be heard by the respondent. The petitioner is given liberty to place before the respondent the registered sale deeds along with the link documents, necessary proceedings issued by RDO on 27.10.2005 and submit explanation. As and when the petitioner approaches the respondent with a copy of this order and all the necessary documents, the respondent shall consider all the aspects of the matter and pass necessary orders. The other questions raised in the writ petition are left open giving liberty to the petitioner to agitate the same before the respondent in the first instance.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

13th August, 2007

Note: Issue CC in one week.

B/o

ghn